



# **2009 ADA TRANSITION PLAN**

## **Executive Summary:**

The Americans with Disabilities Act of 1990 (ADA, as amended) dictates comprehensive civil right protections to individuals with disabilities in areas related to employment (Title I), public services (Title II), public accommodations and services operated by private entities (Title III), telecommunications (Title IV), and miscellaneous (Title V). In particular Title II has the broadest impact on the Michigan Department of Transportation (MDOT) as it prohibits the discrimination of individuals with disabilities in relation to programs, services or activities offered by local and state governments. Provisions in Title II encompass areas of public transportation, and the updating of existing infrastructure to attain accessibility and consistency with the ADA.

In 1992, the U.S. Department of Justice issued 28 Code of Federal Regulations (CFR) Part 35, *Nondiscrimination on the basis of Disability in State and Local Government Services*, to implement Subtitle A of Title II of the ADA. In particular, this regulation extended the prohibition of discrimination in federally assisted programs already established in Section 504 of the Rehabilitation Act of 1973 to all activities of state and local governments regardless of funding source.

A provision in the regulation, 28 CFR 35.150(d) included a requirement for state and local governments to prepare a transition plan. In accordance with the regulation, MDOT completed a self evaluation and transition plan of its activities and programs in 1994 that:

1. Identified the physical obstacles in MDOT facilities that limit the accessibility of programs and activities to individuals with disabilities;
2. Described the methods that would be used to make the facilities accessible;
3. Specified a schedule for taking steps necessary to achieve accessibility.
4. Indicated the official responsible for the implementation of the plan.

The 1994 MDOT self-evaluation and transition plan was very detailed, and specific to each bureau, division and district within MDOT, each with their identified limiting policies and practices, and corrective actions necessary to address non-compliance.

Since the implementation of the 1994 transition plan, increasing emphasis has been placed on accessibility of infrastructure within public right-of-way, and connectivity of this infrastructure to state trunkline roadways, in particular the continued integration of sidewalk ramps. MDOT has incorporated sidewalk ramps into construction projects since 1973, and has progressively modified and updated standards addressing accessibility. However at this time, not all sidewalk ramps within MDOT right-of-way conform to the most current MDOT standards for accessibility.

Although MDOT does not own, operate or maintain sidewalks and sidewalk ramps, sidewalk ramps are upgraded in conjunction with alteration of the roadway according to the MDOT Standard Plan for “Sidewalk Ramp and Detectable Warning Details” as required by the Federal Highway Administration (FHWA). The MDOT standard is primarily based on the U.S. Access Board’s Public Rights of Way Accessibility Guidelines (PROWAG).

With respect to infrastructure within MDOT right-of-way, or on property owned by MDOT, inventories have either been completed or will be re-assessed as new national accessibility criteria develops. An exhaustive sidewalk ramp inventory has recently been completed for the purpose of evaluating the current status of compliance. For each of the identified assets, the MDOT objective is to achieve and maintain accessibility as outlined in this new transition plan required by the FHWA.

MDOT has also re-visited programs and services previously included in the original transition plan that are either directly or indirectly provided to the general public. These programs and services are beyond a compliance transitional stage and are considered to be in compliance maintenance. Those assets considered in compliance maintenance are recurrently assessed when alterations are programmed.

The MDOT Transportation Highway Program is based on a rolling Five-Year Plan that covers a wide range of programs specifically targeted to maintain, improve, and in some cases, expand the transportation infrastructure in Michigan. The Five-Year Plan is re-assessed and extended annually with a new 5<sup>th</sup> year. As part of this Five-Year Plan, any sidewalks, or sidewalk ramps that are altered by roadway projects, will be updated to the most current standard. Pedestrian facilities not altered by the current/planned MDOT Five-Year Plan are not upgraded by MDOT as they are the Title II obligation of the local agency owning and maintaining the pedestrian facility.

**Maintained Accessibility** *(Addressed by the original MDOT Transition Plan):*

**MDOT buildings:**

MDOT is committed to ensuring continued program accessibility at Region Offices, Transportation Service Centers (TSC), Welcome Centers, rest areas and other facilities utilized by the traveling public or commercial customers. Additionally, MDOT implements measures necessary to attain compliance for a facility where a specific employee ADA-related need has been identified.

Where required in the original MDOT Transition Plan, changes were made to policies and practices to ensure alignment with the regulation. The original self-evaluation plan included onsite inspections of all MDOT buildings and parking lots, with a corrective action plan developed and completed as necessary for each location. Since the conclusion of the self-evaluation program, all facilities-related construction projects have been reviewed by the Department of Energy, Labor, and Economic Growth (DELEG), Bureau of Construction Codes to ensure continued compliance with accessibility requirements.

Commercial properties leased to MDOT are also required to be accessible. Per state law, the Department of Management and Budget (DMB) approves and administers all lease agreements on behalf of MDOT. DMB lease agreements contain language specifically requiring the landlord to ensure accessibility. Leased premises are required by state law to meet accessibility requirements in the Michigan Building Code. In addition, they are required by federal law to meet ADA requirements.

Currently, MDOT performs regular, on-going assessments of all its facilities, which includes a review of continued compliance for each location; deficiencies are documented and addressed.

**Public Transit Programs:**

For urban transit agencies that receive federal funding directly from the Federal Transit Administration (FTA), the FTA has primary oversight of their ADA compliance. For rural transit agencies that receive federal funding through MDOT, MDOT oversees ADA compliance as part of its ongoing compliance monitoring activities. In addition, state law requires that all fixed route transit buses that are procured with state funds be accessible by wheelchair and also requires a local review process (Local Advisory Committees) to ensure there is an adequate number of lift-equipped buses in the fleets of agencies that receive state funds for demand-response vehicles. MDOT does not have an oversight role over private sector passenger carriers unless MDOT provides financial assistance. For example, MDOT purchases and leases intercity motor coaches to Indian Trails and Greyhound. MDOT purchases only lift-equipped motor coaches.

**2009 Assessment and Transition Plan** *(Not addressed by the original MDOT Transition Plan):*

**Car Pool Lots:**

MDOT Car Pool lots currently provide designated accessible parking. Carpool lots are in compliance maintenance and are monitored by each region. Accessibility upgrades are included with programmed alterations.

**Shared Use Paths:**

Shared use paths are most commonly owned by local agencies. There are currently very few MDOT owned shared use paths. They are constructed to the most current requirements at the time of construction and are updated as required in conjunction with alterations as part of compliance maintenance.

**Pedestrian Activated Signals:**

Currently the installation of pedestrian activated signals is designed according to the MDOT Signal Standard Plans and the Manual of Uniform Traffic Control Devices which includes accessibility requirements. Current installations identified as non-compliant are corrected in conjunction with new construction and

alteration projects. A full assessment of all pedestrian activated signals is deferred pending anticipated new requirements from the U.S. Access Board that are estimated to be finalized in the Public Rights of Way Guideline by the end of 2010.

**Sidewalk ramps within MDOT right-of-way:**

The physical obstacles present within roadway crossings are defined by absence of accessibility to pedestrian crossings, or where accessibility is limited.

To make these facilities accessible, MDOT maintains a policy of compliance with the current FHWA approved MDOT standard plan. In conjunction with new construction and alterations to roadways adjacent to pedestrian facilities, accesses to crossings are upgraded to the current standard.

To facilitate the development of this supplemental plan, a detailed inventory was conducted by each Region using an existing GIS system to identify pedestrian crossings within MDOT right-of-way, to determine if they meet current accessibility standards defined by the MDOT standard plan. The inventory was subsequently used to develop a timeline for corrective actions to be incorporated in each Region's program. A detailed inventory is on file at each Region office.

The schedule for implementation is dictated by the MDOT Five-Year Transportation Highway Program for capital investments in the transportation infrastructure. The Five-Year plan is re-assessed and extended with a new 5<sup>th</sup> year annually. As part of the rolling Five-Year plan, pedestrian accessibility and accessibility upgrades within the right-of-way will be scoped with proposed roadway improvements. Please refer to Appendix A for a schedule of pedestrian crossings to be upgraded as part of the current Five-Year plan.

The MDOT official currently responsible for implementation of the transition plan will be Mr. Greg Johnson, P.E., Chief Operating Officer of MDOT. Additionally, Ms. Cheryl Hudson, MDOT ADA/504 Coordinator is the designated contact for ADA complaints. Whether an MDOT program, activity or service is in compliance transition or maintenance, the public may submit complaints of discrimination against persons with disabilities to the ADA/504 Coordinator.

Ms. Cheryl Hudson  
ADA/504 Coordinator  
Michigan Department of Transportation  
425 W. Ottawa Street, B450  
Lansing, Michigan 48909  
Phone 517-373-0980  
E-mail [HUDSONC1@michigan.gov](mailto:HUDSONC1@michigan.gov)

## **APPENDIX A**

### **2009 MDOT Accessibility Survey**

**MICHIGAN DEPARTMENT OF TRANSPORTATION  
PROGRAM ACCESSIBILITY SURVEY  
PART A**

<b>Program Name</b>	State Trunkline System
<b>Program Description</b>	Roadway Infrastructure
<b>Bureau/Division/Office/Region</b>	Highways
<b>Reviewer (s)</b>	Statewide
<b>Review Date</b>	2009

- 1. List all processes, procedures, guidelines, regulations and activities that were reviewed during the evaluation of the program listed above.**

Sidewalk ramp connectivity to state trunkline roadways and compliance with current standards.

- 2. Describe any item listed in number 1 that limits persons with disabilities from participating in this program. Attach separate sheet if necessary. If there are no limiting practices or policies, skip question 2a and 2b, answer 3 and proceed to the next program to be evaluated using additional copies of Part A of this form.**

Not all roadway pedestrian crossings are joined with sidewalk ramps meeting current MDOT standards.

- a. Describe the steps that will be taken to eliminate limiting practices or policies identified above.**

All sidewalks intersecting state trunkline roadways have been assessed for compliance with the most current MDOT sidewalk ramp standard. All road and bridge projects programmed for new construction, reconstruction or alteration will include in its scope of work the upgrading of sidewalk ramps identified in the statewide sidewalk ramp assessment as non-standard. This practice will apply for all current and future budgeted program periods so that accessibility in design and construction evolves with the roadway and pedestrian infrastructure. While the measure of compliance has and will evolve based on refinements to state and national standards, accessibility is also measured by the elimination of barriers. The presence of curb ramps provides at a minimum a barrier free path. The status and goals will be adjusted periodically with the Department's annual call for projects. The goals for the current Five-Year Transportation Highway Program are as follows;

REGION	TOTAL CROSSING POINTS	2008		PROJECTED			
		% COMPLIANT	% <i>BARRIER FREE</i>	% COMPLIANT		% <i>BARRIER FREE</i>	
				2009	2014	2009	2014
Bay	6138	13%	81%	14%	16%	81%	85%
Grand	2735	3.4%	95.1%	8.3%	41.2%	95.1%	95.9%
Metro	15653	15.9%	94.3%	15.9%	28.1%	94.3%	99.1%
North	3035	7.8%	90%	11.9%	32%	90%	93%
Southwest	6493	0.12%	82.12%	2.16%	5.4%	84.2%	87.4%
Superior	2515	12%	100%	14%	33%	100%	100%
University	4,440	5.63	89.6%	14%	32.5%	91.4%	92.2%

*Detailed information regarding specific locations can be obtained by contacting the Region Offices.*

REGION	CONTACT	ADDRESS		PHONE
Bay	Linda Burchell	55 E. Morley Drive	Saginaw, MI 48601	989-754-0878, Ext. 226
Grand	Tim Little	1420 Front Avenue N.W.	Grand Rapids, MI 49504	616-451-6116
Metro	Mike Eustice	18101 W. Nine Mile Road	Southfield, MI 48075	248-483-5102
North	Jason Gailitis	1088 M-32 East	Gaylord, MI 49735	989-731-5090, Ext. 301
Southwest	(Interim)	1501 Kilgore Road	Kalamazoo, MI 49001	269-337-3930
Superior	Raymond Roberts	1818 3rd Avenue North	Escanaba, MI 48929	906-786-1830, Ext. 310
University	Willard Thompson	4701 W. Michigan Avenue	Jackson, MI 49201	517-750-0425

**b. If limiting practices or policies can not be eliminated describe the reason(s)**

In accordance with the ADA guidelines, where conditions do not permit full compliance with the standards in conjunction with roadway alterations, the standards will be met to the maximum extent feasible.

It is expected that locations not altered by the MDOT Transportation Highway Program are to be addressed by the Title II local agency having authority, ownership and maintenance responsibility of the pedestrian facility.

**3. Each program should be examined to determine whether it falls within the definition for a historic program and whether it provides access to persons with disabilities. If applicable, describe on a separate sheet steps to be taken to ensure alternate ways of providing access to this historic program are available to persons with disabilities.**

This program is not historic in general but historic buildings and districts are sometimes encountered. Conflict resolution is coordinated with MDOT historians and the state historic preservation officer. Accessibility is provided to the maximum extent feasible without destroying or threatening historic significance.